

CUSTOMER NO.: 24498
Serial No. 09/445,131
Office Action dated: May 6, 2005
Response dated: September 2, 2005

PATENT
RCA 88,670

Remarks/Arguments

The Office Action mailed May 6, 2005 has been received and carefully considered. Claims 1, 3-6, 8-11, 15, and 19-23 are pending in the application with claims 1, 6, 15, and 21-23 being amended and claims 12 and 13 being cancelled by this response. Claims 19-20 have been indicated to be allowable.

Rejection of Claims 1, 3-6, 8-11, 15, and 21-23 under 35 USC § 103(a)

Claims 1, 3-6, 8-11, 15, and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuyoshi et al. (U.S. Patent No. 5,218,599) in view of Nakano et al. (U.S. Patent No. 5,805,563).

The present invention provides for a recording medium having a first and a second side. Each of the two sides includes program data. A first area and a second area of the medium have distinctive laser encoded data representing information identifying the respective program data. The first area and the second area are disposed between the center of the recording medium and an outer circumference. The program data is disposed outside the outer circumference. The first area and the second area occupy non-overlapping positions with respect to each other, and wherein said first and second areas are Burst Cutting Areas. Claim 1 is further distinguished by the placing first area and second area on the first side and the second side of the medium, respectively.

The individualized encoded data is associated with respective program data on a recording medium. In particular, the invention provides for the encoded data to be disposed on a specific portion of the recording medium that is distinct from the area in which the program data is stored. In the exemplary embodiment, the recording medium comprises a DVD disk having a Burst Cutting Area (BCA) for storing the individualized encoded data. The BCA is specified to be between a selected inner circumference and a selected outer circumference from the center of the disk (page 4, lines 7-14).

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To overcome the potential defects associated with more than one BCA being used on a disk and having the different BCAs overlap each other, the present invention recites multiple BCAs that are disposed in non-overlapping areas. The invention also teaches placing the multiple BCAs in the same location as currently specified in the DVD specification. The advantage of having the respective BCA for each layer at the same location as currently specified in the DVD specifications is that no hardware modification is needed for a present DVD player to be able to read the individualized code encoded in the respective BCA area (page 8, lines 11-23).

In the Office Action, Examiner indicates that claim 12 is allowable. Independent claims 1, 6, 15, and 21-23 have been amended to include the feature of claim 12, reciting "wherein said first and second areas are Burst Cutting Areas". The Examiner has indicated that this feature is not found in any of the cited prior art including Tsuyoshi et al. and Nakano et al. Additionally, claims 3-5 are dependent on claim 1 and claims 8-11 are dependent on claim 6. It is, therefore, respectfully submitted that Claims 3-5, and 8-11 are also patentable over Tsuyoshi et al. and Nakano et al. In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Tsuyoshi et al. and Nakano et al. when taken alone or in combination, showing the above discussed features. It is thus further respectfully submitted that the present claimed invention is not anticipated by Tsuyoshi et al. in view of Nakano et al. It is thus, further respectfully submitted that this rejection is satisfied and should be withdrawn.

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RCA 88,670

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6866, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: September 2, 2005


Patricia M. Fedorowycz